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Attorneys for Plaintiff Cement & Concrete
Workers District Council Pension Fund,
and Lead Plaintiff Retail Wholesale & Department Store Union Local
338 Retirement Fund

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CEMENT & CONCRETE WORKERS
DISTRICT COUNCIL PENSION FUND,

Plaintiff,

v.

HEWLETT PACKARD COMPANY and
MARK A. HURD,

Defendants.

Case No. CV12-04115 PJH

**STIPULATION AND ~~[PROPOSED]~~
ORDER MODIFYING DEFENDANT
HURD'S TIME TO ANSWER OR
OTHERWISE RESPOND**

[CIVIL L.R. 6-2, 7-12]

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Cement & Concrete Workers District
Council Pension Fund ("Plaintiff"), Lead Plaintiff Retail Wholesale & Department Store Union
Local 338 Retirement Fund ("Lead Plaintiff") and Defendant Mark V. Hurd, erroneously sued
herein as Mark A. Hurd ("Hurd," and with Plaintiff and Lead Plaintiff, the "Parties") – hereby
agree and stipulate that good cause exists to request an order from the Court modifying Defendant

Hurd's time to answer or otherwise respond to the complaint.

RECITALS

WHEREAS, Plaintiff's putative class action complaint, filed August 3, 2012 ("Complaint"), alleges that Defendant Hewlett-Packard Company ("HP") and Defendant Hurd violated Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 promulgated thereunder, and that Defendant Hurd has violated Section 20(a) of the Exchange Act.

WHEREAS, on October 22, 2012, Plaintiff and Defendant HP filed a Stipulation and Proposed Order Resetting Dates in Court's Order Setting Initial Case Management Conference ("CMC") and Related Deadlines. The Court, on that same day, entered an Order continuing the CMC to August 29, 2013, at 2:00 p.m., and resetting the deadlines for the filing of an amended complaint, for Defendant HP to answer or file a motion to dismiss, and for setting briefing deadlines on a motion to dismiss (the "October 22nd Order") (DE 21).

WHEREAS, on November 9, 2012, the Court entered an order appointing Retail Wholesale & Department Store Union Local 338 Retirement Fund as Lead Plaintiff, and appointing Kirby McInerney LLP as Lead Counsel, and Glancy Binkow & Goldberg LLP as Liaison Counsel in this action (the "Lead Plaintiff Order") (DE 29).

WHEREAS, pursuant to the October 22nd Order, Lead Plaintiff shall file an amended complaint (or state that it intends to proceed on the original complaint) no later than 45 days after entry of the Lead Plaintiff Order. Defendant HP shall answer or otherwise respond to the amended complaint 45 days from the filing of the amended complaint. Lead Plaintiff shall file an opposition to any motion to dismiss 45 days from the filing of any motion, and HP shall have 21 days from the filing of the opposition to file its reply papers.

WHEREAS, on November 8, 2012, Plaintiff requested that Defendant Hurd waive service of the summons and complaint in this action. The waiver sets forth that Defendant Hurd must file and serve an answer or motion under Federal Rule of Civil Procedure 12, no later than January 7, 2013. Defendant Hurd executed the waiver on November 30, 2012, and it was electronically filed

1 the same day by Plaintiff.

2 WHEREAS, the Parties believe it would serve judicial efficiency for the Court to enter an
3 order establishing the same briefing schedule for Defendant Hurd as was established for
4 Defendant HP in the October 22nd Order.

5 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the Parties
6 hereto, that:

7 1. The time for Defendant Hurd to answer, move or otherwise respond to the
8 amended complaint shall be 45 days from the date Lead Plaintiff files an amended complaint or
9 states that it intends to proceed on the original complaint.

10 2. In the event Defendant Hurd files a motion to dismiss the amended complaint,
11 Lead Plaintiff shall have 45 days from filing of such motion in which to file papers in opposition
12 to the motion. Defendant Hurd shall have 21 days from the filing of Lead Plaintiff's opposition
13 papers in which to file reply papers.

14 3. This Stipulation is entered into without prejudice to any party seeking any interim
15 relief.

16 4. Nothing in this Stipulation shall be construed as a waiver of any of Defendant
17 Hurd's rights or positions in law or equity, or as a waiver of any defenses that Defendant Hurd
18 would otherwise have, including, without limitation, jurisdictional defenses.

19 5. The Parties have not sought any other extensions of time in this action.

20 6. The Parties do not seek to reset these dates for the purpose of delay, and the
21 proposed new dates will not have an effect on any pre-trial and trial dates as the Court has yet to
22 schedule these dates.

23 WHEREFORE, the Parties respectfully request that this Court issue an order granting the
24 parties' request to reset the deadlines as set forth in the following [Proposed] Order.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2 Dated: December 4, 2012

3 By /s/ Robert V. Prongay
4 Attorneys for Plaintiff Cement & Concrete
5 Workers District Council Pension Fund and
6 Lead Plaintiff Retail Wholesale & Department
7 Store Union Local 338 Retirement Fund

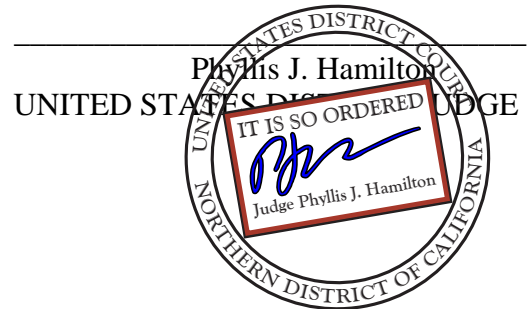
8 Dated: December 4, 2012

9 By /s/ Lawrence D. Lewis
10 Attorneys for Defendant Mark V. Hurd

11 **ORDER**

12 For good cause shown, it is so ORDERED.

13 Date: December 5, 2012



**PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO NORTHERN
DISTRICT OF CALIFORNIA LOCAL RULES AND LOCAL CIVIL RULE 5-1**

I, the undersigned, say:

I am a citizen of the United States and am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 1925 Century Park East, Suite 2100, Los Angeles, California 90067.

On December 4, 2012, I caused to be served the following document:

**STIPULATION AND [PROPOSED] ORDER MODIFYING
DEFENDANT HURD'S TIME TO ANSWER OR OTHERWISE RESPOND**

By posting the document to the ECF Website of the United States District Court for the Northern District of California, for receipt electronically by the parties as reflected on the attached Court's Service List.

And on any non-ECF registered party:

By Mail: By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Service. I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, this correspondence would be deposited by my employer with the United States Postal Service that same day.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 4, 2012, at Los Angeles, California.

s/Robert V. Prongay
Robert V. Prongay

Mailing Information for a Case 4:12-cv-04115-PJH

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)